

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**IN RE: PROPULSID : MDL NO. 1355**  
**PRODUCTS LIABILITY LITIGATION :**  
:  
:  
**SECTION: L**  
:  
**THIS DOCUMENT RELATES TO ALL CASES : JUDGE FALLON**  
**: MAG. WELLS ROBY**

**JOINT REPORT NO. 97 OF PLAINTIFFS'  
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 97 in preparation of the August 2, 2012 Status Conference. To participate via telephone, dial-in information may be accessed on the Court's website at <http://propulsid.laed.uscourts.gov/>.

**I. MDL Resolution Programs I and II**

MDL Resolution Programs I and II are nearing an end. All qualified tiered claims have been submitted to the Medical Panel in both programs. In addition, the Special Master's Office is finalizing the clearance of any remaining administrative claims in both programs.

**II. Distribution of MDL Settlement Funds**

On November 30, 2009, the Court issued an Order granting Joint Motion for an Order authorizing Distribution of MDL I Settlement Funds which authorized the transfer of \$8.75 million (Canadian) from the Settlement Fund of the MDL I Propulsid Resolution Program Fund to the Propulsid Resolution Program and further authorized a distribution in the same amount

for appropriate contributions to charitable organizations. On October 26, 2011, the parties brought before the Court a Joint Petition to Distribute the Charitable Fund, which the Court granted on the same day. [Rec. Doc. 4406, 10/26/11]. Defendants have coordinated the release of the money, \$8,317,416.31 (U.S. Dollars) from Deutsche Bank to Louisiana Health Public Initiative (LPHI).

On December 15, 2011, the Court issued an Order [Rec. Doc. 4425] on the Joint Motion and Order for Partial Disbursement of Settlement Funds to Defendant Johnson & Johnson granting the motion and disbursing \$40,000,000.00 out of the Settlement Fund in MDL I and \$5,000,000.00 out of the Settlement Fund in MDL II to Defendant Johnson & Johnson, and further ordered that if the Court at a later date determines that the Settlement Funds in the MDL I and/or MDL II are insufficient and additional funds are needed to satisfy any remaining claims, Johnson & Johnson shall return and replenish the settlement funds. At the appropriate time, the parties shall request a return to the defendants of all remaining balances in the Settlement and Administrative Funds.

### **III. Attorneys' Fees Issues**

On March 15, 2012, the PSC filed a Motion for Distribution of Additional Attorney's Fees and Reimbursement of Costs (Re: MDL Settlement Program I) [Rec. Doc. 4465]. The matter was set for hearing, with oral argument, on April 25, 2012 [Rec. Doc. 4467]. On April 25, 2012, the Court issued an Order on the motion [Rec. Doc. 4497]. A Motion for Distribution of Attorney's Fees regarding MDL Settlement Program II will be addressed at a later date.

### **IV. Motions to Dismiss**

Over 5,000 plaintiffs have been dismissed and/or terminated from the Court's docket. Defendants continue to file Motions to Dismiss and Stipulations of Dismissals, and have recently

submitted motions covering approximately 1,600 plaintiffs in the following categories: claims which have been processed and paid; claims which were ineligible for payment; plaintiffs who failed to prosecute their claims; claims which did not qualify for the Resolution Programs; and/or plaintiffs who did not enroll in the Resolution Programs. Seven Motions to Dismiss covering approximately 189 plaintiffs are set for hearing/submission on August 8, 2012. Other than the foregoing plaintiffs on pending motions, less than 100 plaintiffs will remain on the Court's docket. The goal of undersigned counsel and the Special Master is to have all the remaining claims processed and dismissed as soon as possible, and the parties and the Special Master are working diligently toward that goal. The parties will be prepared to discuss this further at the August 2, 2012 Status Conference.

Respectfully submitted,

*s/ Brian P. Quirk*

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**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 97 of Plaintiffs' and Defendants' Liaison Counsel has been served upon all parties by electronically uploading the same to LexisNexis File & Serve, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF system which will send a Notice of Electronic Filing on this 31st day of July, 2012.

*/s/ Brian P. Quirk* \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>IN RE: PROPULSID</b>	:	<b>MDL NO. 1335</b>
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	:	<b>JUDGE FALLON</b>
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<b>ALL CASES</b>	:	
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**Monthly Status Conference  
August 2, 2012  
1:30 p.m.**

**AGENDA**

**Current Matters:**

1. MDL Resolution Programs I and II
2. Distribution of MDL Settlement Funds
3. Attorney's Fees Issues
4. Motions to Dismiss